

**Jorgensen, Jay T.**

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**Subject:** FW: Your request to change Archie Schaffer deposition date

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**From:** Bond, Michael R.

**Sent:** Thursday, June 05, 2008 4:19 PM

**To:** 'Richard Garren'

**Cc:** Bill Narwold; Bob Nance; Daniel Lennington; dpage@riggsabney.com; David Riggs; Deborah Ellis; Elizabeth Claire Xidis; Elizabeth Ward; Fidelma Fitzpatrick; Fred Baker; Ingrid Moll; Jean Burnett; Jonathan Orent; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Michelle Jaromin; Mike Rousseau; Pat Green; Sharon Gentry; Sharon Weaver; Trevor Hammons; Vaughn Iskanian

**Subject:** RE: Your request to change Archie Schaffer deposition date

Rick, I will notify defense counsel of the new date for Mr. Schaffer's deposition.

I have acted properly in our discussions with regard to this deposition. You were told that the witness has a conflict with the date you selected and you were provided with three alternative dates for that witness.

We believe the guiding principal of the deposition plan should be prioritization. Depositions that pertain to the next critical deadline should take priority.

Given that you are the Liaison for every witness other than retained experts, when can I expect dates from you for the non retained experts listed in Mr. Bullock's April 1, 2008? Additionally, when can I expect dates from you regarding the witnesses for the remaining two Areas of Inquiry in the Defendants 30(b)(6) Notice served on April 14, 2008?

I am glad that you agree to work out a deposition schedule and I look forward to working out a fair deposition schedule which covers the next few months. I think it will be very helpful in this case.

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**From:** Richard Garren [mailto:RGarren@riggsabney.com]

**Sent:** Thursday, June 05, 2008 2:47 PM

**To:** Bond, Michael R.

**Cc:** Bill Narwold; Bob Nance; Daniel Lennington; dpage@riggsabney.com; David Riggs; Deborah Ellis; Elizabeth Claire Xidis; Elizabeth Ward; Fidelma Fitzpatrick; Fred Baker; Ingrid Moll; Jean Burnett; Jonathan Orent; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Michelle Jaromin; Mike

06/11/2008

Rousseau; Pat Green; Richard Garren; Sharon Gentry; Sharon Weaver; Trevor Hammons; Vaughn Iskanian  
**Subject:** Your request to change Archie Schaffer deposition date

Michael,

In the future I think if the parties are going to be able to cooperate on scheduling depositions some reasonable explanation for a witnesses inability to present as noticed or requested needs to be made. Priorities are going to be important for both sides in setting a deposition schedule. I agreed to your request to allow the date of Schaffer's deposition to be changed but requested that the witness be presented within 7-10 days. As I indicated to you the State and its attorneys must now change previously made plans, in order to accommodate this unsubstantiated reason for a change in dates. That being said, notwithstanding your failure to share why Mr. Schaffer can not be presented for more than thirty days I will agree to reschedule his deposition to avoid further court involvement. Mr. Schaffer's deposition will be re-scheduled to the first date you suggested of July 9, 2008, at 9:00 a.m. at the same place as set forth in the notice. You will notify all defendant parties of the change in this deposition date.

Be advised that I am working on an outline of a components that should be considered for a plan regarding deposition scheduling. The State agrees that the parties need to have a plan and liaisons should be designated to assist in coordinating the deposition plan/schedule. I have been designated as liaison for witnesses other than the State's experts. David Page will act as liaison for the State's experts. I suggest the Defendants likewise designate a liaison to resolve deposition scheduling.

David Page will be forwarding to Mr. Jorgensen a list of dates when the State's experts and attorneys are available. This list is being prepared after surveying the experts and State's attorney's schedules for availability and was difficult enough to prepare after balancing just those schedules. Thus, there can be very little adjustment in the proposed dates.

I suggest that you outline components you feel need to be included in the deposition scheduling plan. I'll look forward to your response.

Richard T. Garren, Esq.  
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***"It's much more important how you behave...than how much money you make...At the end of the day, it's about people being honest"*** [CEO wishing to remain anonymous]

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